

Theodore Stevenson III  
Texas State Bar No. 19196650  
tstevenson@mckoolsmith.com  
MCKOOL SMITH, P.C.  
300 Crescent Court, Suite 1500  
Dallas, Texas 75201  
Telephone: (214) 978-4000  
Fax: (214) 978-4044

Kevin Burgess  
Texas State Bar No. 24006927  
kburgess@mckoolsmith.com  
Pierre Hubert  
Texas State Bar No. 24002317  
phubert@mckoolsmith.com  
MCKOOL SMITH, P.C.  
300 W. 6th St., Suite 1700  
Austin, Texas 78701  
Telephone: (512) 692-8700  
Fax: (512) 692-8744

Michael D. Rounds  
Nevada Bar No. 4734  
mrounds@watsonrounds.com  
Adam K. Yowell  
Nevada Bar No. 11748  
ayowell@watsonrounds.com  
WATSON ROUNDS  
5371 Kietzke Lane  
Reno, NV 89511-2083  
Telephone: (775) 324-4100  
Fax: (775) 333-8171

**Attorneys for Plaintiff**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA  
RENO DIVISION**

**UNWIRED PLANET LLC, a Nevada limited  
liability company,**

**Plaintiff,**

**v.**

**GOOGLE INC., a Delaware corporation,**

**Defendant.**

**CIVIL ACTION NO.**

---

**COMPLAINT FOR  
PATENT INFRINGEMENT  
(JURY DEMAND)**

1 Plaintiff Unwired Planet LLC files this Original Complaint for Patent Infringement against  
2 Google Inc. (“Google”), and alleges as follows:

3 **JURISDICTION**

4 1. This is an action arising under the patent laws of the United States, 35 U.S.C. §  
5 101 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6 **VENUE**

7 2. This Court has personal jurisdiction over Google. Google has conducted and does  
8 conduct business within the State of Nevada. Google, directly or through subsidiaries or  
9 intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale,  
10 sells, and advertises (including the provision of an interactive web page) its products and/or  
11 services in the United States, the State of Nevada, and the District of Nevada. Google, directly  
12 and through subsidiaries or intermediaries (including distributors, retailers, and others), has  
13 purposefully and voluntarily placed one or more of its infringing products and/or services, as  
14 described below, into the stream of commerce with the expectation that they will be purchased  
15 and/or used by consumers in the District of Nevada. These infringing products and/or services  
16 have been and continue to be purchased and/or used by consumers in the District of Nevada.  
17 Google has committed acts of patent infringement within the State and District of Nevada.  
18 Google has lobbied the state of Nevada to pass certain laws in Nevada.

19 3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and (d) and  
20 1400(b). A substantial part of the events giving rise to Unwired Planet’s claims occurred in the  
21 District of Nevada and Google is subject to personal jurisdiction in the District.

22 **PARTIES**

23 4. Plaintiff Unwired Planet LLC is a Nevada limited liability company having a  
24 principal place of business at 226 California Ave., Reno, NV 89509. “Unwired Planet” refers to  
25 Plaintiff and its predecessors in interest referred to herein for the patents-in-suit.

26 5. Unwired Planet has a long history of innovative technical contributions, as set  
27 forth below, including the patents-at-issue in this lawsuit.  
28



1 mail to wireless telephones), Up.Organizer (a personal information management application),  
2 Up.Web (which allowed subscribers to manage and configure the other programs from their PCs),  
3 Up.Browser (a wireless phone browser), and Up.Smart (a PDA software application for wireless  
4 phones), among others. By August 1999, 31 network operators across the globe had licensed  
5 Phone.com's software. Phone.com flourished, providing its access software to companies around  
6 the globe. USA Today called Phone.com "the linchpin for the wireless internet" in a July 2000  
7 article, stating that Phone.com's software touched approximately 80 percent of Web-enabled  
8 phones at the time. Bloomberg named Alain Rossmann, one of the founders of  
9 Unwired Planet, among the "Top Entrepreneurs of 1999."

10 12. In 2000, Phone.com merged with Software.com to form Openwave Systems Inc.,  
11 the predecessor to Unwired Planet, in a \$6.4 billion merger. Openwave continued to grow and  
12 innovate. By mid-2001, about 97 percent of internet-ready mobile phones in the United States  
13 and approximately 75 percent overseas used an Openwave browser. By July 2001 Openwave had  
14 increased in size to approximately 2,200 employees worldwide by July 2001, and the company  
15 earned revenues of over \$465 million for fiscal year 2001.

16 13. Through its innovation and technological leadership, Openwave was awarded a  
17 sizeable portfolio of over 200 patents. Many of these patents disclose and protect the  
18 foundational aspects of today's most widely-used mobile technologies, such as mobile internet,  
19 location-based services, and e-commerce applications.

20 14. Unfortunately, merely having patents did not protect Openwave from infringing  
21 competition. As Openwave's revenues and market share fell, it was forced to downsize its own  
22 employees. With the onslaught of infringing competition having forced Openwave out of the  
23 market it created, in April 2012 Openwave sold its product businesses, but retained the patents it  
24 had been awarded. After selling off its product businesses, Openwave changed its name back to  
25 Unwired Planet Inc., Unwired Planet Inc. is the parent of, and predecessor in interest of, Plaintiff  
26 Unwired Planet, LLC. Unwired Planet retained its patents, representing almost two decades of  
27 investment, allowing the company to focus its efforts on licensing its fundamental patent portfolio  
28 to the companies whose infringement put it out of the software and service businesses.

**THE PATENTS**

15. United States Letters Patent No. 6,292,657 (“the ’657 Patent”), entitled “Method and Architecture for Managing a Fleet of Mobile Stations Over Wireless Data Networks,” was duly and legally issued to inventors Andrew L. Laursen and Maurice A. Jeffrey on September 18, 2001. Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the ’657 Patent, and is entitled to sue for past and future infringement. A true and correct copy of the ’657 Patent is attached hereto as Exhibit A and incorporated herein by reference.

16. United States Letters Patent No. 6,654,786 (“the ’786 Patent”), entitled “Method and Apparatus for Informing Wireless Clients About Updated Information,” was duly and legally issued to inventors Mark A. Fox, Peter F. King, Seetharaman Ramasubramani, Bruce K. Martin, Jr., and Stephen S. Boyle on November 25, 2003. Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the ’786 Patent, and is entitled to sue for past and future infringement. A true and correct copy of the ’786 Patent is attached hereto as Exhibit B and incorporated herein by reference.

17. United States Letters Patent No. 6,662,016 (“the ’016 Patent”), entitled “Providing Graphical Location Information for Mobile Resources Using a Data-Enabled Network,” was duly and legally issued to inventors Kevin Buckham, Tony Melli and James Fitch on December 9, 2003. Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the ’016 Patent, and is entitled to sue for past and future infringement. A true and correct copy of the ’016 Patent is attached hereto as Exhibit C and incorporated herein by reference.

18. United States Letters Patent No. 6,684,087 (“the ’087 Patent”), entitled “Method and Apparatus for Displaying Images On Mobile Devices,” was duly and legally issued to inventors Francis H. Yu and Neil J. Cormia on January 27, 2004. Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the ’087 Patent, and is entitled to sue for past and future infringement. A true and correct copy of the ’087 Patent is attached hereto as Exhibit D and incorporated herein by reference.

19. United States Letters Patent No. 6,895,240 (“the ’240 Patent”), entitled “Method and Architecture for Managing a Fleet of Mobile Stations Over Wireless Data Networks,” was

1 duly and legally issued to inventors Andrew L. Laursen and Maurice A. Jeffrey on May 17, 2005.  
2 Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the '240 Patent,  
3 and is entitled to sue for past and future infringement. A true and correct copy of the '240 Patent  
4 is attached hereto as Exhibit E and incorporated herein by reference.

5 20. United States Letters Patent No. 6,944,760 ("the '760 Patent"), entitled "Method  
6 and Apparatus for Protecting Identities of Mobile Devices on a Wireless Network," was duly and  
7 legally issued to inventor Fergus M. Wills on September 13, 2005. Plaintiff Unwired Planet owns  
8 by assignment the entire right, title, and interest in the '760 Patent, and is entitled to sue for past  
9 and future infringement. A true and correct copy of the '760 Patent is attached hereto as Exhibit  
10 F and incorporated herein by reference.

11 21. United States Letters Patent No. 7,024,205 ("the '205 Patent"), entitled  
12 "Subscriber Delivered Location-Based Services," was duly and legally issued to inventor David  
13 Hose on April 4, 2006. Plaintiff Unwired Planet owns by assignment the entire right, title, and  
14 interest in the '205 Patent, and is entitled to sue for past and future infringement. A true and  
15 correct copy of the '205 Patent is attached hereto as Exhibit G and incorporated herein by  
16 reference.

17 22. United States Letters Patent No. 7,035,647 ("the '647 Patent"), entitled "Efficient  
18 Location Determination for Mobile Units," was duly and legally issued to inventor Andre Laurent  
19 de Verteuil on April 25, 2006. Plaintiff Unwired Planet owns by assignment the entire right, title,  
20 and interest in the '647 Patent, and is entitled to sue for past and future infringement. A true and  
21 correct copy of the '647 Patent is attached hereto as Exhibit H and incorporated herein by  
22 reference.

23 23. United States Letters Patent No. 7,203,752 ("the '752 Patent"), entitled "Method  
24 and System for Managing Location Information for Wireless Communications Devices," was  
25 duly and legally issued to inventors Christopher R. Rice, Cameron Fieber, Ron Poulin, and Peter  
26 Jones on April 10, 2007. Plaintiff Unwired Planet owns by assignment the entire right, title, and  
27 interest in the '752 Patent, and is entitled to sue for past and future infringement. A true and  
28

correct copy of the '752 Patent is attached hereto as Exhibit I and incorporated herein by reference.

24. United States Letters Patent No. 7,463,151 ("the '151 Patent"), entitled "Systems and Methods for Providing Mobile Services Using Short-Range Radio Communication Devices," was duly and legally issued to inventor Hermann Schulte-Kellinghaus on December 9, 2008. Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the '151 Patent, and is entitled to sue for past and future infringement. A true and correct copy of the '151 Patent is attached hereto as Exhibit J and incorporated herein by reference.

25. The '657, '786, '016, '087, '240, '760, '205, '647, '752, and '151 Patents (collectively, "the Asserted Patents") cover inventions relating to systems and/or services, servers supporting these systems and services, and mobile devices.

### **CLAIM FOR PATENT INFRINGEMENT**

26. Unwired Planet repeats and realleges the allegations in paragraphs 1-25 as though fully set forth herein.

27. Google directly infringes one or more claims of each of the Asserted Patents under 35 U.S.C. § 271. Google is making, using, selling, offering for sale, exporting and/or importing Accused Products and Services which infringe one or more claims of each of the Asserted Patents, as set forth in the table below. Further discovery may reveal additional infringing products, services, and/or models.

<b>Asserted Patent</b>	<b>Accused Products and Services</b>
6,292,657	Mobile App Systems and/or Services (including Google Play, Google Apps, Bouncer, C2DM and GCM), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
6,654,786	Cloud Messaging Systems and/or Services (including C2DM and GCM), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)



Asserted Patent	Accused Products and Services
6,662,016	Map and Location Systems and/or Services (including Google Maps, Google Street View, Google Latitude, Google My Location, Google+, Google+Local, Google Places), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
6,684,087	Map and Location Systems and/or Services (including Google Maps, Google Latitude, Google My Location, Google+, Google+Local, Google Places), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
6,895,240	Mobile App Systems and/or Services (including Google Play, Google Apps, Bouncer, C2DM and GCM), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
6,944,760	Cloud Messaging Systems and/or Services (including C2DM and GCM), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
7,024,205	Search and Advertising Systems and/or Services (including Google Search, Google AdWords, Google+Local, Google Places, Google Mobile Ads), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
7,035,647	Location Systems and/or Services (including Android Location), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
7,203,752	Location Systems and/or Services (including Android Location), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)
7,463,151	Short-Range Radio Communications Systems and/or Services (including Google Wallet, Google Offers, and Google Mobile Ads), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones and tablets with the Android operating system, including Motorola Mobility and Nexus mobile phones and tablets)

28. Google indirectly infringes one or more claims of each of the Asserted Patents under 35 U.S.C. § 271(b). Google has induced and continues to induce its customers and/or users



1 of the Accused Products and Services above to infringe one or more claims of the Asserted  
2 Patents above. Google specifically intends for its customers and/or users of the Accused Products  
3 and Services above to infringe one or more claims of the Asserted Patents above in the United  
4 States because, on information and belief, Google knew of the Asserted Patents and either  
5 designed the Accused Products and Services such that they would each infringe one or more  
6 claims of each of the Asserted Patents if made, used, sold, offered for sale or imported into the  
7 United States, and Google knows or should know that the customers and/or users of the Accused  
8 Products and Services will directly infringe one or more claims of the Asserted Patents when  
9 those customers and/or users make, use, sell, offer to sell, and/or import into the United States,  
10 the Accused Products and Services. In addition, Google has failed to redesign the Accused  
11 Products and Services to cease infringement.

12 29. Google indirectly infringes one or more claims of the Asserted Patents by  
13 contributory infringement under 35 U.S.C. § 271(c). Google has contributed to and continues to  
14 contribute to the direct infringement of one or more claims of the Asserted Patents by customers  
15 and/or users of the Accused Products and Services. Upon information and belief, Google knew of  
16 the Asserted Patents. Google has sold, offered to sell, and/or imported in and into the United  
17 States the Accused Products and Services, which Google has known or should have known to be  
18 especially made or adapted for use in infringing the Asserted Patents and which have no  
19 substantial non-infringing uses. Google designed the Accused Products and Services such that  
20 they would infringe one or more claims of the Accused Patents if made, used, sold, offered for  
21 sale or imported into the United States. The accused technology has no substantial use that does  
22 not infringe one or more claims of the Asserted Patents.

23 30. Google's acts of direct, contributory and induced infringement have caused  
24 damage to Unwired Planet, and Unwired Planet is entitled to recover compensatory damages  
25 sustained as a result of Google's wrongful acts. Unless enjoined by this Court, Google will  
26 continue to infringe the Asserted Patents, continuing to damage Unwired Planet and causing  
27 irreparable harm.  
28

31. Upon information and belief, Google has known about the Asserted Patents. Upon further information and belief, Google lacks justifiable belief that there is no infringement, or that the infringed claims are invalid, and has acted with objective recklessness in its infringing activity. Google's infringement is therefore willful as to one or more of the Asserted Patents, and Unwired Planet is entitled to an award of exemplary damages, attorneys' fees, and costs in bringing this action.

**DEMAND FOR JURY TRIAL**

Unwired Planet hereby demands a jury for all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Unwired Planet respectfully requests that this Court enter judgment in their favor and grant the following relief:

- A. Adjudge that Google infringes the Asserted Patents;
- B. Adjudge that Google's infringement of the Asserted Patents was willful, and that Google's continued infringement of the Asserted Patents is willful;
- C. Award Unwired Planet damages in an amount adequate to compensate Unwired Planet for Google's infringement of the Asserted Patents, but in no event less than a reasonable royalty under 35 U.S.C. § 284;
- D. Award enhanced damages by reason of Google's willful infringement of the Asserted Patents, pursuant to 35 U.S.C. § 284;
- E. Award Unwired Planet pre-judgment and post-judgment interest to the full extent allowed under the law, as well as its costs;
- F. Enter an order finding that this is an exceptional case and awarding Unwired Planet its reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- G. Enter an injunction enjoining Google, and all others in active concert with Google, from further infringement of the Asserted Patents;
- H. Award an accounting for damages;
- I. Award a future compulsory royalty in the event full injunctive relief is not awarded as requested; and

1 J. Award such other relief as the Court may deem appropriate and just under the  
2 circumstances.

3  
4 Dated: September 19, 2012

Respectfully submitted,

5  
6 /s/ Michael D. Rounds

7 Michael D. Rounds  
8 Nevada Bar No. 4734  
9 mrounds@watsonrounds.com  
Adam K. Yowell  
10 Nevada Bar No. 11748  
11 ayowell@watsonrounds.com  
12 WATSON ROUNDS  
5371 Kietzke Lane  
Reno, Nevada 89511  
Telephone: (775) 324-4100  
Fax: (775) 333-8171

13 Theodore Stevenson III (\*)  
14 Texas State Bar No. 19196650  
tstevenson@mckoolsmith.com  
MCKOOL SMITH, P.C.  
15 300 Crescent Court, Suite 1500  
16 Dallas, Texas 75201  
Telephone: (214) 978-4000  
Fax: (214) 978-4044

17 Kevin Burgess (\*)  
18 Texas State Bar No. 24006927  
kburgess@mckoolsmith.com  
19 Pierre Hubert (\*)  
Texas State Bar No. 24002317  
20 phubert@mckoolsmith.com  
MCKOOL SMITH, P.C.  
21 300 W. 6th St., Suite 1700  
Austin, Texas 78701  
22 Telephone: (512) 692-8700  
Fax: (512) 692-8744

23 (\*) will comply with LR IA 10-2 within 45 days

24 **ATTORNEYS FOR PLAINTIFF**  
25 **UNWIRED PLANET LLC**  
26  
27  
28